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Turkey: New Constitutional Framework

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An Intelligence Assessment

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An Intelligence Assessment

This paper was prepared by [redacted]
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Key Judgments

*Information available
as of 1 February 1983
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The new constitution promulgated late last year is the most concrete piece of evidence to date that the Turkish generals are determined to restore civilian rule as soon as their political framework is in place. Based on guidelines set down by the ruling military council, the Consultative Assembly is now writing new laws to govern political parties and elections in preparation for the resumption of political activity this spring. A parliamentary election is tentatively scheduled for October.

No doubt the generals realize that the restoration of democracy holds the potential for a return to the near anarchy that prevailed prior to their intervention in September 1980. To minimize the risks, the military leadership is striving to create a political environment in which the interests of the state are given greater weight than those of individuals or constituent groups. The new constitution is based on this principle; the implementing legislation already in place reinforces this message, and we expect the laws now being drawn up to do the same. The new laws on political parties and elections, for example, probably will limit the number of parties to two or three, mandate greater internal party democracy, decentralize party structures, and establish that a party must win a minimum percentage of votes to qualify for parliamentary representation. In addition, the generals are intent on shaping a new generation of political leaders willing to conform to the military's prescriptions.

Although the military government's constitutional and statutory framework probably will ensure stability in the short term, it may not lead to a satisfactory resolution of broad problems such as political alienation, uneven economic development, and social inequality. We believe that over the longer term renewed violence is likely to undermine the order established by the generals.

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Turkey: New Constitutional Framework

The new constitution promulgated late last year is the most concrete evidence to date that Turkey's ruling National Security Council (NSC) will hold to its promise to restore civilian rule by next fall, but other signposts along the way will bear close watching. Laws to govern political parties and elections are in the works and will be published some time this spring. Soon thereafter the generals are expected to permit preparations for a parliamentary election. The generals probably have few if any illusions about the potential these steps carry for the return of instability. Indeed, they are making a determined effort to minimize the risks. Even so, what happens after political activity is completely restored remains very much an open question.

Background

Soon after assuming power, the NSC began outlining the new political order it sought. The generals let it be known publicly that they intended to establish a political system that would guarantee stability and eliminate the need for future military interventions. They envisaged:

- Concentrating greater power in the executive.
- Limiting the legislature's role.
- Restricting the role of political parties by regulating their internal mechanisms and limiting the powers of party leaders.
- Tightening electoral rules to encourage stable majorities and foster a two- or three-party system.
- Addressing some of the inequities surrounding such issues as taxation, religious instruction, labor rights, and housing that previously had contributed to political and social dissension.

With these goals in mind, the ruling council empowered a Constituent Assembly more than a year ago to write an organic law that—unlike the liberal 1961 Constitution—would foster democracy without permitting the pervasive obstructionism that characterized Turkish politics in the late 1970s. The final draft won overwhelming public approval in a free referendum last November. It was lost on no one in Turkey, however, that the generals had proposed a more

restrictive political system than the country had known for some time, except during periods of military rule. The military leadership gambled that a majority of Turks were willing—at least for the short term—to give up some personal freedom in return for greater political stability and personal security.

The New Constitution

The new charter accommodates some of the criticism levied against preliminary drafts by broadening the rights of labor somewhat and softening the language governing the conduct of the press. Even so, both groups find their rights trimmed back considerably from what they enjoyed before the military takeover. Labor unions, for example, will no longer be permitted to engage in political activity. Nor will they be allowed to lobby for or against government labor policies, except in narrowly defined circumstances. Similarly restrictive language applies to individual freedoms in the areas of religion and higher education.¹ In fact, the constitution consistently gives greater weight to state prerogatives than to the rights of individuals or constituent groups.

The constitution establishes a 400-member unicameral legislature as the principal locus of power on most matters of national import, but it gives the new president far more power than his predecessors. The functions and procedures of both the legislative and judicial branches have been revamped to preclude the sort of partisan political maneuverings that characterized the period prior to the 12 September 1980 military takeover. Legislators will not be free, for example, to move with impunity from one parliamentary group to another. Most other government institutions are made subject to greater executive scrutiny, particularly during the seven years after ratification of the constitution.

¹ The constitution gives the president direct authority over these areas. The document prohibits the injection of religion into politics or social life. It also empowers the president to set educational policy and to restrict political activity on campuses.

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*The National Security Council:
(left to right) Admiral Tumer,
Generals Ersin, Evren,
Sahinkaya, and Celasun*



The constitution gives the executive a strong hand in protecting the new institutional system against revision. During the first six years after the initial parliament convenes, for example, overriding a presidential veto of a constitutional amendment will require a three-fourths parliamentary majority. After this period, parliament may override a veto by a two-thirds majority, but even then the president will retain the option of submitting to national referendum any constitutional amendment on which he and parliament disagree. [redacted]

Several temporary articles further bolster the executive. One automatically elevates General Evren to the presidency and confirms the ruling NSC in its present status until after the first parliamentary election. At that time the NSC will be dissolved and then reconstituted as an advisory Presidential Council with a mandate to review all legislation and advise the president on issues of national significance for the following six years. [redacted]

Another temporary article, and one of the more controversial clauses in the constitution, pertains to the political future of former politicians. Former leaders of those political parties proscribed after the generals seized power are prohibited from engaging in political activity for 10 years. Although members of the last pre-takeover parliament can run for the new one, the constitution denies them the right either to form or participate in the leadership of a political party for five years. [redacted]

A Mandate for Political Change?

The public's widely reported apathy toward the writing of the constitution contrasted with the overwhelming turnout for the referendum and the near unanimous approval of the new organic law. To some extent the turnout resulted from the government's insistence that only those who voted in the referendum would be eligible to vote in the coming parliamentary election. In our view, however, the main factor behind the impressive positive response was the enormous popularity of General Evren. [redacted]

In fact, the very nature of the constitution makes clear that the generals will "direct" Turkey's political system for the next seven years to ensure that civilian governments do not deviate from the military's wishes. Consistent with this plan, the constitution will go into effect in stages. Political parties probably will be organized and election laws enacted by this spring. At that point, the generals probably will give the go-ahead to prepare for a parliamentary election in the fall. The portions of the document dealing with the executive and legislative branches will take effect after the election. Articles on the press, rights of assembly, and labor freedoms will be put into effect by the time the new parliament convenes. The judiciary will adapt itself to the changes gradually. [redacted]

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Bulent Ecevit, former Prime Minister and Republican People's Party chief



Suleyman Demirel, former Prime Minister and Justice Party leader

According to various press reports, the ruling council believes that the legislation on political parties and elections now being prepared by the Constituent Assembly will be the capstone of its 1983 legislative program. The generals probably have not yet reached a consensus on the specifics of either law, but we suspect they know very well what they do not want: a political environment in which small parties wield disproportionate power and in which party leaders become entrenched and unresponsive to the public.

The generals publicly have asserted their determination to eliminate, or at least to reduce, the influence that was wielded prior to the military takeover by minor parties as the neo-fascist Nationalist Action Party and the Islamic fundamentalist National Salvation Party. By the late 1970s, the political system under the 1965 Political Act was operating in a way that made it possible for almost any group to form a party and gain a place in the National Assembly. This phenomenon tended to siphon off strength from the two major parties, the Justice Party and the Republican People's Party. In their efforts to create parliamentary majorities, the larger parties often had to accede to the demands of groups with which they had little or nothing in common. As coalition partners, the minor parties often were more critical of the government than was the opposition. The result was a legislature that could hardly run the country.

Numerous press commentaries since the 1980 takeover suggest that NSC members are convinced the 1965 Political Act not only encouraged extremism but also discouraged internal party democracy and helped create party oligarchies almost impossible to unseat. As evidence the NSC critics cite a provision of the Act that allowed party leaders, rather than the voters, to choose candidates for parliamentary seats and to assign them safe or vulnerable positions on the voting lists.

These concerns suggest that the generals are likely to produce a law governing parties that will:

- Limit the number of parties to two or three and require their adherence to the broad outlines of the new constitutional system.
- Provide for greater internal party democracy and decentralize party structures to prevent executive boards and party chairmen from exercising undue influence.

To ensure that the new political parties conform to their guidelines, moreover, the generals seem intent on playing an active and overt role in shaping and fostering a new generation of political leaders. Specifically, US Embassy reporting indicates that they plan

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President Kenan Evren

to establish a broadly based, moderate, "Kemalist" party under Prime Minister Bulend Ulusu's leadership. The generals hope Ulusu will be able to attract sufficient parliamentary strength to govern without recourse to a coalition partner. Short of that, they want him to play a balancing role between the new center-left and center-right political parties that are likely to emerge later this year.

Once the law governing the parties is set, the ruling council will shift its attention to changes in the electoral system. The generals have publicly declared their intention to draft a law providing for a form of proportional representation that will exclude minor parties from the legislature. They have been studying various West European electoral models, and press reports suggest they are settling on the West German formula, which requires a party to win a minimum percentage of votes (5 percent in West Germany) to qualify for representation. In any case, even the regime's opponents publicly agree that some limits on the number of parties in parliament might be salutary for a while, at least until greater political stability is achieved under civilian governments.

Outlook

The generals' plans and actions are likely, in our view, to ensure stability in the short term. Notwithstanding the energy and the clear sense of purpose the military leaders are bringing to bear on social, economic, and political problems in Turkey, however, it is not clear that their constitutional prescriptions will have a

lasting positive effect. As career military men, Turkey's current leaders have been bred and schooled to place the highest value on order, discipline, and organizational regularity. They have shared widely their belief that the root of Turkey's problems is the failure of the political system to imbue the Turks with an understanding of the importance of responsible opposition and political moderation. It is hardly surprising, then, that they have tended to see their role primarily as one of setting the country's institutions aright. Were the country's problems clearly amenable to institutional solution there would be less room to second-guess the generals

In fact, Turkey will continue to face complex economic, social, and political problems after the advent of a new civilian political order. Although the 1980 stabilization program has dramatically improved the economic situation, critical problems such as high unemployment, endemic underemployment, a wide gap between standards of living of the few at the top and the many at the bottom, and structural inefficiencies in public enterprise remain. Similarly, the attention given by the military government to religious education, taxation, and population control have, in our view, hardly touched the broad problems of political alienation, uneven economic development, and social inequalities.

The very form of the new political system is likely to pose a stiff challenge to the new politicians. While we believe most Turks will continue to support efforts to maintain peace and order in the country, we think they will resent the constitutional restrictions on the freedoms to which they have become accustomed since multiparty democracy was established in 1950. We believe they will increasingly seek ways to express and act on a diverse range of political views despite the generals' efforts to narrow the definition of what is politically appropriate. Perhaps each of the new parties will be broad enough to serve as a vehicle for much of this diversity. In the end, however, we suspect that the new system will not prove sufficiently flexible to accommodate security, order, and participatory democracy all at the same time.

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